

into an air-tight container, and the air in the container is removed by suction to an extent with a pump to obtain reduced pressure conditions, and then a cyclopropene compound is supplied in the container." Furthermore, in each of the examples the comparison treatment is accomplished by placing the agricultural commodity and 1-methylcyclopropene are placed into a sealed chamber. The inventive treatment is accomplished by placing the agricultural commodity into a sealed chamber, then reducing the pressure, then adding the 1-methylcyclopropene. It is also clear from the examples that a wide range of reduced pressures can be used in the practice of the invention. As a result, it is not necessary to specify a specific pressure or pressure range applicable to the invention.

From the disclosure in the Specification, including the examples, one skilled in the art would understand the meaning of "reduced pressure" and would understand that the appropriate "reduced pressure" to use in any particular situation would vary depending upon those factors noted above. Therefore, there is no need to further specify the term "reduced pressure" in the claims. Applicants again respectfully request that this rejection be withdrawn.

Applicants note that dependent claim 5 adds the requirement that the "reduced pressure" of claim 1 is 50 kPa or less. Therefore, the rejection of claim 5 under 35 USC §112, second paragraph, for failure to specify the reduced pressure, is not appropriate.

Rejection under 35 USC §103(a)

Claims 1-5 are rejected under 35 USC §103(a) as being unpatentable over Sisler (U.S. Patent No. 6,194,350) and Sisler, et. al., (U.S. Patent No. 5,518,988) in that each teach methods of applying certain 1-substituted cyclopropenes to block ethylene receptors in plants and that these disclosures render Applicants' invention obvious in that Applicants' invention claims a broader genus.

Although Applicants have provided experimental data for only one species of Applicants' claimed genus, the compounds of Applicants' claimed genus are known and have been previously disclosed. See, for example, U.S. Patent 6,444,619, cited in Applicants' Notice of References Cited. Applicants' are not claiming a specific genus of cyclopropenes but, rather, a new method of using known cyclopropene compounds which improves the performance of such cyclopropene compounds. Applicants have discovered that contacting an agricultural product with cyclopropenes at reduced pressure will result in an improvement in the performance of the cyclopropene over its performance at normal pressure. See the Specification, page 2, lines 13-18, and the examples. There is no teaching, no disclosure, and not even a suggestion in any of the cited references that use of cyclopropene compounds at reduced pressure will result in improved performance of the compounds. Therefore, Applicants' claims are not obvious. Applicants respectfully request that this rejection also be withdrawn

The case law cited in the Office Action, In re Shokal, 242 F.2d 771, 113 U.S.P.Q 283,285 (C.C.P.A. 1957) and In re Grimme, 274 F.2d.949, 124 U.S.P.Q. 499, 501 (C.C.P.A. 1960) both relate to claiming a genus of compounds based upon limited numbers of species. Applicants' invention is to a method to improve upon the already known performance of already known compounds. Thus, Applicants' invention is distinguished from the inventions discussed in each of the cited case law..

With this response, Applicants believe that the rejections have been overcome and the claims are in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,



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